



**Department of Energy
Acquisition Regulation**

**No. AL 2008-05
Date 04/03/2008**

ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the DOE and NNSA Procurement Executives.

Subject: Environmental, Energy, and Transportation Management

References: Executive Order 13423, dated January 24, 2007
Implementing Instructions, dated March 28, 2007

When is this Acquisition Letter (AL) effective?

This AL is effective upon issuance.

When does this AL Expire?

This AL remains in effect until superseded or canceled by amendments of the Federal Acquisition Regulation (FAR) or the Department of Energy Acquisition Regulation (DEAR).

Whom do you Contact for More Information?

For Department of Energy (DOE) contracts, contact Richard Langston, Office of Procurement and Assistance Policy, MA-61, at (202) 287-1339 or at Richard.Langston@hq.doe.gov . For National Nuclear Security Administration (NNSA) contracts, contact Mr. Stephen Law, Office of Acquisition and Supply Management Officer, NA-63, at (202) 586-4321 or at Stephen.Law@nnsa.doe.gov .

What is the Purpose of this AL?

The purpose of this letter is to implement Section 3(e) of Executive Order 13423 which states that contractor operation of Government-owned facilities or vehicles requires the contractors to comply with the provisions of the Order. This AL also provides instructions for necessary updates to FAR and DEAR contract clauses which should be updated pending the formal amendment of the regulations.

What is the Background Information You Need to Know?

Executive Order 13423 replaces the prior Greening the Government series of Executive Orders intended to improve the Federal impact on environment, energy and transportation management and lead the public and private sectors along the route of environmental responsibility. The Executive Orders being replaced are:

- 13101 - Greening the Government Through Waste Prevention, Recycling and Federal Acquisition;
- 13123 - Greening the Government Through Efficient Energy Management;
- 13148 - Greening the Government Through Leadership in Environmental Management;
- 13149 - Greening the Government Through Fleet and Transportation Efficiency, and
- 13134 - Developing and Promoting Biobased Products and Bioenergy.

Executive Order 13221, Energy Efficient Standby Power Devices, was retained.

While the new Executive Order revoked the earlier Greening Orders, it does not modify or rescind any requirements found in the orders. However, it does update some of the earlier goals and their baselines and adds new items developed subsequent to the Greening Orders, such as: the Electronics Stewardship/Electronic Product Environmental Assessment Tool (EPEAT); the WaterSense water efficiency labeling program; Plug-In Hybrid Vehicles; and Sustainable Design/High Performance Buildings.

The subject matter of the Greening the Government Executive Orders have been consolidated into one comprehensive package addressing resource stewardship issues by primary subject matter. The result is a single, concise Order with an extensive set of implementing instructions.

What is the Guidance contained in this AL?

Until such time as the FAR or DEAR are amended, add an H clause (included as an attachment) to implement Section 3(e) of Executive Order 13423 and revise the FAR and DEAR clauses as shown on the attachment when they are used in your solicitations and contracts.

ATTACHMENT – Model Clause and Revisions

Add the following addition and alterations to contracts providing for contractor operation of Government-owned facilities and/or vehicles. [The following has been added to the STRIPES database. Contracting activities without STRIPES capability should manually insert the language in appropriate contracts.]

H. xx — Addition and Alterations to Implement Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management and its Implementing Instructions

This contract involves contractor operation of Government-owned facilities and/or vehicles and the provisions of Executive Order 13423 are applicable to the Contractor to the same extent they would be applicable if the Government were operating the facilities or vehicles. Information on the requirements of the Executive Order and its Implementing Instructions may be found at http://ofee.gov/Executive Order/Executive Order13423_main.asp . This requirement includes the Electronics Stewardship requirements of Implementing Instruction XII. When acquiring desktop or laptop computers and computer monitors, the Contractor shall acquire Electronic Product Environmental Assessment Tool registered products conforming to IEEE 1680-2006 Standard and ranked at least bronze, provided such products are life cycle cost efficient and meet applicable performance requirements. Information on EPEAT-registered computer products is available at www.epeat.net .

(End of Clause)

Alterations to FAR and DEAR provisions and clauses.

[This clause is required in Federal facility management contracts.]

FAR 52.223-5 — Pollution Prevention and Right-to-Know Information as modified by DOE Acquisition Letter 2008-05

Change “section 503 of Executive Order 13148” to “Implementing Instruction VIII of Executive Order 13423” in paragraph (a); change “section 502 and 503 of Executive Order 13148” to “Implementing Instruction VIII of Executive Order 13423” in paragraph (c)(6); and change “Section 401 of Executive Order 13146” to “Section 3(b) of Executive Order 13423” in the additional sentence required by Alternates I or II.

[This clause is required in contracts for contractor operation of Government-owned or leased facilities or for support services at such facilities.]

FAR 52.223-10 — Waste Reduction Program as modified by DOE Acquisition Letter 2008-05

Change “Section 501 of Executive Order 13101” to “Section 3(a) of Executive Order 13423” in paragraph (b).

[This clause is required in DOE facility management contracts.]

DEAR 970.5223-2 — Affirmative Procurement Program as modified by DOE Acquisition Letter 2008-05

Change “Executive Order 13101” to “Executive Order 13423” in paragraph (a).

[This clause is required in contracts providing for management of motor vehicle fleets.]

DEAR 970.5223-5 — DOE Motor Vehicle Fleet Fuel Efficiency as modified by DOE Acquisition Letter 2008-05

Change “Executive Order 13149, Greening the Government through Federal Fleet and Transportation Efficiency” to “Executive Order 13423” where it first appears; change “Executive Order 13149 (April 2001)” to “Executive Order 13423” at its second appearance; and change “Section 506 of Executive Order 13149” to “Section 8 of Executive Order 13423” at its final appearance.